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Attorneys for Defendant
APPLE INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

REUBEN BERENBLATT, ANDREW PERSONETTE, EARL C. SIMPSON, LAURA MILLER, On behalf of themselves and all others similarly situated,

Plaintiff,

v.

APPLE INC.,

Defendant.

THOMAS WAGNER, SCOTT MEYERS, On behalf of themselves and all others similarly situated,

Plaintiff,

v.

APPLE INC.,

Defendant.

Case No. C-08-04969 JF (PVT)
Case No. C-09-01649 JF (PVT)

STIPULATION EXTENDING DEFENDANT'S TIME TO RESPOND TO SECOND AMENDED COMPLAINT

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Pursuant to Civil Local Rules 6-2 and 7-12, the parties, by and through their respective counsel, hereby stipulate as follows:

WHEREAS, Apple moved to dismiss the First Amended Complaint in *Berenblatt, et al. v. Apple Inc.*, Case. No. C-08-04969, and the Class Action Complaint in *Vail v. Apple, Inc.* (now known as *Wagner, et al. v. Apple Inc.*), Case No. C-09-01649 (collectively, the "Actions"), on June 1, 2009;

WHEREAS, Apple's motions were granted, with leave to amend, on August 21, 2009;

WHEREAS, the plaintiffs in the Actions filed a Second Amended Complaint on September 21, 2009;

WHEREAS, under Federal Rule of Civil Procedure 15(a)(3), the deadline for Apple to respond to the Second Amended Complaint is October 5, 2009;

WHEREAS, the parties have agreed to extend the deadline for Apple to respond until November 5, 2009;

WHEREAS, the continuance will not have an effect on the schedule for the case;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, SUBJECT TO THE APPROVAL OF THE COURT:

1. Apple shall respond to the Second Amended Complaint in the Actions by November 5, 2009.

Dated: October 5, 2009

MORRISON & FOERSTER LLP

By: /s/ Penelope a. Preovolos
Penelope a. Preovolos

Attorneys for Defendant
APPLE INC.

Dated: October 5, 2009

MEISELMAN, DENLEA, PACKMAN,
CARTON & EBERZ P.C.

By: /s/ Christine M. Ford
Christine M. Ford

Attorneys for Plaintiffs
REUBEN BERENBLATT,
ANDREW PERSONETTE, EARL
C. SIMPSON, LAURA MILLER

Dated: October 5, 2009

GIRARD GIBBS, LLP

By: /s/ Eric H. Gibbs
Eric H. Gibbs

Attorneys for Plaintiffs
THOMAS WAGNER, SCOTT
MEYERS

I, Penelope A. Preovolos, am the ECF User whose ID and password are being used to file this Stipulation. In compliance with General Order 45, section X.B., I hereby attest that I have on file the concurrences for any signatures indicated by a “conformed” signature (/s/) within this efiled document.

By: /s/ Penelope A. Preovolos
Penelope A. Preovolos

PROPOSED ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: October __, 2009

____
Hon. Jeremy Fogel
United States District Judge

CERTIFICATE OF SERVICE BY MAIL
(Fed. R. Civ. Proc. rule 5(b))

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 425 Market Street, San Francisco, California 94105-2482; I am not a party to the within cause; I am over the age of eighteen years and I am readily familiar with Morrison & Foerster's practice for collection and processing of correspondence for mailing with the United States Postal Service and know that in the ordinary course of Morrison & Foerster's business practice the document described below will be deposited with the United States Postal Service on the same date that it is placed at Morrison & Foerster with postage thereon fully prepaid for collection and mailing.

I further declare that on the date hereof I served a copy of:

STIPULATION EXTENDING TIME TO RESPOND TO SECOND AMENDED COMPLAINT

on the following by placing a true copy thereof enclosed in a sealed envelope addressed as follows for collection and mailing at Morrison & Foerster LLP, 425 Market Street, San Francisco, California 94105-2482, in accordance with Morrison & Foerster's ordinary business practices:

Douglass J. McNamara
Cohen Mistein Hausfeld & Toll PLLC
1100 New York Avenue, Suite 500
Washington D.C. 20005-3964

I declare under penalty of perjury that the above is true and correct.

Executed at San Francisco, California, this 5th day of October, 2009.

Mia R. Gimenez	/s/ Mia Gimenez
(typed)	(signature)

ATTESTATION OF E-FILED SIGNATURE

I, Penelope A. Preovolos, am the ECF User whose ID and password are being used to file this Certificate of Service. In compliance with General Order 45, X.B., I hereby attest that Mia Gimenez has read and approved this Certificate of Service and consents to its filing in this action.

Dated: October 5, 2009.

MORRISON & FOERSTER LLP

/s/ Penelope A. Preovolos
Penelope A. Preovolos